



UNITED STATES DEPARTMENT OF COMMERCE
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JEFF J STAGGS
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DENVER, CO 80231

APR 10 2000

In re Application of
Jeff J. Staggs
Serial No.: 08/338,489
Filed: March 18, 1997 (acceptance date)
Attorney Docket No.:

PETITION DECISION

This letter is in response to the petition under 37 CFR 1.126 received December 13, 1999, requesting a refund of fees paid for excess claims.

A review of the file history shows that applicant filed this application under 35 U.S.C. 371 and initially paid a filing fee of \$330.00. The application became abandoned for failure to supply a missing part and was revived under 37 CFR 1.137(b) as unintentionally abandoned. Accompanying the revival petition was a preliminary amend which replaced all claims in the application and presented claims 1-54, a number of which were multiple dependent claims. The filing fee assessed at that time included the following:

Basic filing fee:	\$350.00
Independent claims in excess of 3 (4x\$40)	\$160.00
Total claims in excess of 20 (195x\$11)	\$2145.00
Surcharge for late filing of a missing part	\$65.00

None of these fees were paid in error. Following a restriction requirement applicant elected to prosecute claims 1, 4-9, 36 and 51-90 (based on the originally presented claims). Applicant presented claims to the elected group, comprising claims 1-10, 35 and 51-55 for a total of 6 independent claims and 25 total claims. Since this is less than the total claims previously paid for, no additional claims fees were due.

It is Office policy to refund fees which applicant has paid in error. The fees paid by applicant upon initial filing of this application were properly calculated as shown above. That applicant later reduced the number of claims in response to the examiner's Office action has no bearing on the correctness of the fees paid at filing and does not entitle applicant to a refund of excess claim fees paid upon cancellation of non-examined claims since the fees were not paid in error.

Applicants' petition is **DENIED**.

Refund Ref:
05/31/2000

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600/2900, Washington, D.C. 20231, or by telephone at (703)308-3824 or by facsimile transmission at (703) 305-5408.

CHECK REFUND

John Kittle

Director, Technology Center 1600/2900

Adjustment Refund: 05/31/2000
02/09/1999 STAGGS
02 FC1299